

REMARKS

The Final Office Action mailed March 17, 2009 considered claims 1-14. Claims 1-6, 9-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Pugaczewski et al., U.S. Patent No. 6,903,755 (filed Dec. 21, 1999) (hereinafter Pugaczewski). Claims 7-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Pugaczewski, in view of Richardson, U.S. Patent No. 7,146,568 (filed Aug. 6, 2001) (hereinafter Richardson).¹

By this response, claim 1 is amended such that claims 1-14 remain pending. Claims 1, 13, and 14 are independent claims which remain at issue. Support for the amendments may be found within Specification ¶¶ 0022-0025 and Fig's 6A-6C.²

As reflected in the claims, the present invention is directed generally toward embodiments for generating distributed application and distributed system topologies with management information in a networked environment. Independent claim 1 recites, for instance, in combination with all the elements of the claim, a method (process) performed in a computer system for generating topological and management information on a graphical user interface. The method includes obtaining a request to generate application topological and management information corresponding to two or more sites associated with a network. As per the request, the method obtains site attribute information corresponding to the sites. The site attribute information is processed to obtain site application topological and management information. A graphical user interface is generated which includes a portion for user controls and a portion for displaying topological and management information. Finally, the site topological and management information is generated and displayed within the graphical user interface.

Independent claims 13 and 14 recite a computer program product (i.e., a medium encoded with instructions) and a computer system embodiment, respectively, of the method recited in claim 1.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Please note that the paragraph numbers are taken from the published application, U.S. Pat. Pub. No. 2005/0204290 (Sep. 15, 2005). It should also be noted that the present invention and claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

The independent claims were rejected under 35 U.S.C. § 102(b) as being anticipated by Pugaczewski.³ Independent claim 1 (which is also incorporated into independent claims 13 and 14) has now been amended and the Applicants submit that Pugaczewski fails to teach all the elements of the claims as now presented.⁴

In particular (and in addition to the distinctions already discussed in the previous response filed Dec. 17, 2008), Pugaczewski fails to teach generating a graphical user interface, the user interface comprising a first display portion for displaying topological and management information and a second display portion for generating user controls and wherein information is displayed in the first display portion in accordance with the user controls in the second display portion. Pugaczewski also fails to teach generating the site topological and management information. And Pugaczewski also fails to teach displaying the generated information within the first display portion of the graphical user interface.

Because of the distinctions noted, inter alia, the Applicants submit that rejections of claims 1, 13, and 14 under 35 U.S.C. § 102(b) as being anticipated by Pugaczewski would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of the claims as now presented (as well as the respective dependent claims).

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

³ Office Communication p. 2 (paper no. 20090314, Mar. 17, 2009).

⁴ As discussed in the previous response, filed Dec. 17, 2008, the Applicants maintain that Pugaczewski fails to teach all the elements of the independent claims as had been previously recited. However, in the interest of facilitating prosecution of the application, the Applicants have now amended the claims to more particularly point out particular embodiments of the present invention. The Applicants reserve the right to pursue any previously presented subject matter (by appeal, continuation, or otherwise) at such a time as may be considered desirable or appropriate.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 11th day of June, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger". The signature is stylized with a large, looped "R" and "N".

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